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FILED

JUL 06 2022

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Pro Se Claimant and

Party to California Public Utilities Commission Proceeding I.15-08-019 to Determine whether Pacific Gas and Electric Company and PG&E's Corporation's Organizational Culture and Governance Prioritizes Safety

Party to California Public Utilities Commission Proceeding A.20-06-011 which is the Application of Pacific Gas and Electric Company for Approval of Regionalization Proposal

Party to California Public Utilities Commission Proceeding R.18-10-007 which is the Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

-and-

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

* *All papers shall be filed in the lead case,
No. 19-30088 (DM)*

Bankr. Case No. 19-30088 (DM)
Chapter 11
(Lead Case)
(Jointly Administrated)

**WILLIAM B. ABRAMS REPLY TO
THE OBJECTION OF THE FIRE
VICTIM TRUSTEE PURSUANT TO
FED. R. BANKR. 2004 FOR ENTRY OF
AN ORDER AUTHORIZING
DISCOVERY AND HEARINGS
REGARDING THE
ADMINISTRATION OF THE FIRE
VICTIM TRUST**

[Relates to Dkt. 12440, 12527]

Hearing If Order Granted:

To Be Determined by the Court

1 William B. Abrams (“**Abrams**”) as a Pro Se Claimant, hereby submits this Reply (the
2 “**Reply**”) to support discovery of the Fire Victim Trust (“**Trust**” or “**FVT**”) pursuant to Federal Rule
3 of Bankruptcy Procedure 2004 and local Bankruptcy Rule 2004-1(a) and in response to the
4 “*Objection of the Fire Victim Trustee to Motion of William B. Abrams Pursuant to Fed. R. Bankr.*
5 *2004 For Entry of an Order Authorizing Discovery and Hearings Regarding the Administration of*
6 *the Fire Victim Trust*” [Dkt. 12527] (“**Objection**” or “**Trustee Objection**”). Additionally, this reply
7 provides further support for the “*Motion of William B. Abrams Pursuant to Federal Rule of*
8 *Bankruptcy Procedure 2004 for Entry of an Order Authorizing Discovery and Hearings Regarding*
9 *the Administration of the Fire Victim Trust*” [Dkt. 12440] (“**Motion for Trust Discovery**”).

10
11 **I. PRELIMINARY STATEMENT**

12 The Trustee has stated that “*The overriding focus of the Trust and the Trustee is to protect*
13 *and maximize the corpus of the Trust’s assets for nearly 70,000 Fire Victim claimants and to*
14 *compensate those Fire Victims for their damages as quickly as possible.*”¹ However, there is
15 alarming “conduct” and a growing number of “acts” by the Trustee and others acting on behalf of the
16 Fire Victim Trust that provide more than sufficient “good cause” for a fulsome discovery process
17 pursuant to Bankruptcy Rule 2004. Unfortunately, the objections put forward by the Trustee further
18 demonstrate a pattern of Trust representatives talking about how they value transparency within the
19 confines of the Bankruptcy Court hearing room while actions and statements outside the hearing
20 room demonstrate quite the opposite. The manner in which the Trustee has framed these objections
21 should also call into question for the Court and victims, the degree to which exculpations,
22 nondisclosure terms and the reliance upon Delaware Trust Law protections were designed to
23 circumvent Federal Bankruptcy Law and undermine the interests of victims who rely upon the Fire
24 Victim Trust to rebuild their homes and their lives.

25 The Court should consider the filed objections of the Trustee and the Trustee’s unwillingness
26 to provide even the most basic disclosures within the context of how the Trustee responded to the

27
28 ¹ See *Objection of the Fire Victim Trustee to Motion of William B. Abrams Pursuant to Fed. R. Bankr. 2004 For Entry of*
an Order Authorizing Discovery and Hearings Regarding the Administration of the Fire Victim Trust [Dkt. 12527], pg. 2
(lines 8-10).

1 Butte County Board of Supervisors after my motion for Trust Discovery was filed with the Court.
2 Within the voicemail which was published by the Chico Enterprise Record, the Trustee stated the
3 following:

4 *"Mr. Ring, this is Justice Trotter, the trustee of the Fire Victims Trust. I'm calling in response to that*
5 *offensive, uninformed political statement that you people sent to me. I'm not interested in dealing with*
6 *you based on what you've put out. If you really want to know anything about the trust, I would*
7 *assume, like everybody else, you would call and ask rather than coming to uninformed, slanderous*
8 *conclusions. I have 400 people that work on this trust that are working very, very hard to accomplish*
9 *a very difficult and (pause) and so when and if you get to that point, I'll talk to you. But I'm not going*
10 *to engage based on that nonsense that's in your letter. Thank you."*

11 Subsequent to this voicemail, Justice Trotter produced on FVT letterhead and assumingly
12 with Fire Victim Trust money a letter which was posted to the Fire Victim Trust portal largely
13 hurling insults at the duly elected officials of Butte County and defending his professional reputation.
14 This letter included the accusatory statement that *"they are politicians late to the party but looking to*
15 *be relevant"* and that they unfairly *"accuse me of arrogance and unprofessionalism."* I bring this up
16 within the context of my reply not to take sides and/or to evaluate the veracity of the statements by
17 the Butte County Supervisors or the Trustee but to point out that the Trustee prioritized the defense of
18 his professional reputation rather than using this as an opportunity to openly answer valid questions
19 regarding the administration, management and oversight of the Trust. This public exchange by the
20 Trustee certainly provides a window for the Court and victims to understand the priorities of the
21 Trustee and provides good cause for discovery to ascertain whether or not FVT resources are
22 similarly diverted to prioritize the defense of those affiliated with the Trust over those of victims.
23 The Court and victims may also grow to understand whether or not this type of dismissive treatment
24 is typical of how victims are treated who do not have the same stature and authority as the County
25 Supervisors.

26 Moreover, the Court should note that within the context of the Objection to the Motion for
27 Discovery, the Trustee chose to announce his resignation even though, by his own account, he
28 noticed the Trust Oversight Committee ("TOC") over 3 months ago in March, 2022. The fact that
neither the Trustee nor the Trust Oversight Committee felt it important to inform victims regarding
this leadership transition until this Motion for Trust Discovery prompted them to do so, further
demonstrates a pattern of prioritizing the interests of Trust representatives over the interests of
victims. Given this delay, are victims to assume that this resignation notice was properly provided in

1 keeping with Section 5.2(b) of the Fire Victim Trust Agreement that states “*The Trustee may resign*
2 *at any time before the end of his or her term by written notice to the TOC*” or shall we consider that
3 this notice was to avoid disclosures through this motion that might trigger Section 5.2(c) of the Trust
4 Agreement that states the following:

5 “*The Trustee may be removed on application to the Court of Exclusive Jurisdiction, preceded*
6 *by the Supermajority Vote of the TOC, in the event that the Trustee becomes unable to*
7 *discharge his or her duties hereunder due to accident, physical deterioration, mental*
8 *incompetence, or for other good cause. Such good cause shall mean fraud, self-dealing,*
9 *intentional misrepresentation, or willful misconduct.”²*

10 **I want to make it clear that I am not alleging any misconduct on the part of the Trustee.**

11 However, this ill-timed announcement within the context of the Trustee’s Objection is directly
12 relevant in that it further demonstrates that victims have “good cause” to seek Trust discovery
13 remedies pursuant to Bankruptcy Rule 2004.

14 Additionally, important context to consider as we contemplate the Trustee Objection is to
15 understand the degree to which mass tort and personal injury attorneys have maneuvered on all sides
16 of this case and within formal committees (TCC, Fire Claimant Professionals, TOC) to benefit from
17 the disposition of the Fire Victim Trust. These same firms have largely been selected to lead major
18 litigation efforts on behalf of victims through what the Trustee calls an “open and public competitive
19 bid process.” I will describe later in my reply that there is more than enough “good cause” to engage
20 in thorough discovery around these issues of contract awards to question whether or not these
21 contracts were indeed awarded by “competitive bidding” or simply awarded to attorneys that want to
22 advance their own financial interests which may be detrimental to the interests of victims seeking just
23 settlements. Victims deserve discovery to explore whether or not the “acts” and “conduct” of the
24 Trustee and these contracted agents were or were not “reasonable” and pursued in “good-faith” as
25 required by the Fire Victim Trust Agreement and applicable law. **To be clear, as a pro se claimant,**
26 **I am not looking to relitigate or somehow overturn plan confirmation. However, I urge the**
27 **Court not to disregard or discount the fact that the structure of the Trust was largely designed**
28 **and developed by the same parties that now control the oversight of the FVT and have the most**
to be gained by the actions of the Trust and their contracted agents.

² See Fire Victim Trust Agreement, pg. 5 Section 5(b) and Section 5(c)

1 Additionally, it is important to note that it seems that the Trustee's objections are designed to
2 distract from these core issues and to grasp at unwarranted protections including leveraging irrelevant
3 precedent from 1914 and an overreliance upon Delaware Trust Law protections to circumvent
4 Federal Bankruptcy Law and victim's rights and remedies pursuant to US Bankruptcy Rule 2004.
5 The Court is very aware that unlike within traditional civil litigation, obtaining discovery in a
6 bankruptcy proceeding does not require the existence of a dispute. **Any party in interest** may file a
7 motion asking the court to order a Rule 2004 examination to obtain information on the "**acts,**
8 **conduct,** or property or to the liabilities and financial condition of the debtor, or to **any matter**
9 **which may affect the administration of the debtor's estate, or to the debtor's right to a**
10 **discharge.**" Fed. R. Bankr. P. 2004(b) (emphasis added). It would seem in this case that the Trustee
11 would like the Court to believe that this rule should apply to "any party" except victims. I urge the
12 Court to reject this notion and instead afford victims the same rights and remedies as other parties
13 with regards to this discovery process. The Court must protect victims in this case and within future
14 cases from the type of unequal treatment that the Trustee promotes.

15 I will now proceed to address some of the Trustee objections that largely attempt to
16 mischaracterize and misstate my intentions in a seeming attempt to distract from the very matter of
17 fact and sound legal basis that I demonstrated within the Motion for Trust Discovery. Respectfully,
18 please consider the following reply that directly addresses certain objections put forward by the
19 Trustee:

20 **II. Reply to the Trustee's Preliminary Statement**

21 The Trustee, within the preliminary statement of the Objection, attempts to conflate my prior
22 motions and mischaracterize my engagement within this case. Therefore, I must respond accordingly
23 to set the record straight. During the June 7, 2022 prehearing regarding this motion, Trustee counsel
24 stated "*I know he's been in front of Your Honor at least 27 times on objections or motions... What*
25 *we're looking at here is an effort having not necessarily been successful in that, an effort on his part,*
26 *to actually place himself almost as a TOC member, in terms of, you know, supervision or oversight of*
27 *the trust.*" The implication here and within other statements within the Trustee Objection appears to
28 be asking the Court to set aside my motion and discount my actions as attempts to gain personal
 advantage. Quite to the contrary, if you evaluate my motions and related objections within this case,
 I think the Court will find that my papers have proven to be well-founded given what has transpired

1 since plan confirmation and that they pertain to very separate and discrete issues. This motion is
2 separate and apart from those other 27 good faith motions and objections that Trustee Counsel
3 referenced which were designed to correct the Debtor's pattern of causing catastrophic fires and to
4 remedy the Fire Victim Trust's ill-formed structural issues that now plague us post-confirmation.
5 These pro se efforts were achieved at considerable personal cost and developed to directly address
6 many critical issues including but not limited to (1) efforts to ensure that the eventual plan would
7 reorganize the Debtor to address wildfire risks and to dissuade them from their continued "reckless",
8 "negligent" and "criminal" acts which continue to cause substantial public harms and (2) efforts to
9 support the Court's goals to ensure current and future victims are "made whole" and would be able to
10 receive just, fair and timely settlements. It is also important to note that all of these efforts were
11 achieved while I received personal attacks and threats by certain well-financed and influential parties
12 within this case. I am certainly not the lone victim that has fought for these rights and remedies.
13 Many victims have voiced their concerns on social media, within press reports, protested outside
14 PG&E headquarters and wrote to elected officials like the Butte County Supervisors hoping that
15 someone or anyone would intervene and come to their aid.

16 I appreciate that this Court is not in a position to remedy all these issues and I am certainly not
17 asking the Court to revisit pre-confirmation decisions. That said, given the unfortunate disposition of
18 the Fire Victim Trust, the Trustee and Trustee representatives are left scrambling to lobby, cajole and
19 otherwise engage to make good on "made whole" and other trust administration priorities outside the
20 strict parameters of the Fire Victim Trust Agreement. I urge the Court to prioritize transparency as a
21 post-confirmation virtue. We now must do all we can within the parameters of Bankruptcy Rule
22 2004 to ensure that victims are made aware of acts, conduct and in some cases contracts and other
23 documents associated with the Trust which **may have been unduly leveraged** by certain parties to
24 further other interests that do not align with those of victims who are supposed to be the primary
25 beneficiaries of the Fire Victim Trust. We must be able to exercise the discovery rights afforded to
26 us under Bankruptcy Rule 2004 to understand the following 3 categories of information:

- 27 1) **Trust Oversight and Litigation Activities** – Victims require discovery rights
28 (hearings, interrogatories and documents) related to the Trust activities that relied
upon the mass tort and personal injury attorneys that have served in any official
capacity within this case including TCC counsel, TCC attorney representatives, Fire

1 Claimant Professionals and Trust Oversight Committee Members. Victims need to
2 assess whether or not actions were achieved in good faith or if they were unduly
3 influenced by parties motivated by financial gain detrimental to the interests of
4 victims.

5 2) **Lobbyist Activities** – Victims require reasonable discovery (hearings, interrogatories
6 and documents) related to lobbying activities. Current and past lobbyists of the FVT
7 have engaged in activities detrimental to the interests of victims and have undisclosed
8 financial ties with members of the Trust Oversight Committee and others core parties
9 influencing the disposition of the Fire Victim Trust. These activities and the seeming
10 disregard for the “open and public competitive bidding process” that the Trustee touts
11 provide good cause to inquire regarding the “acts” and “conduct” related to these
12 activities. Victims should be afforded the rights and remedies to understand the
13 degree to which the interests of official members of core committees were prioritized
14 over the interest of victims through these lobbying activities.

15 3) **Administrative and Litigation Expenses** – The Trustee has still not shared basic
16 information that would allow victims to understand the degree to which they will be
17 made whole to further the rebuilding of their homes and their lives. Discovery must
18 be granted by the Court so that victims understand the numerator (total claims) and
19 denominator (total funds available) after Trust expenses. This case was sold to
20 victims as a “made whole” 100 cents on the dollar case and the Trustee has had more
21 than a sufficient amount of time to provide unvarnished details regarding this equation
22 fundamental to the expectations that victims voted upon within this plan. The
23 Trustee’s statements within his Objection that victims decipher and infer these
24 numbers by combing through the docket is disingenuous and dismissive of the victims
25 and their families that rely on this information for their post-fire recovery. The
26 financial terms associated with the derivative claims and all litigation related to
27 contracts performed on behalf of the Trust need to be provided to victims to ascertain
28 if these Trust induced financial incentives are aligned with their interests in the fair
and just administration of the FVT.

1 These categories of information are core to the stated objectives of the Trustee yet instead of
2 providing transparency around these activities the Trustee has been defensive, accusatory and
3 misleading when reasonable inquiry is pursued. While Trustee responses to victims are generally not
4 made public with the rare exception of certain letters sent to the Court, we have seen the frightening
5 response to the Butte County Supervisors. The fact that these interactions were made public provides
6 a glimpse at the predisposition and general attitude of the Trustee when open and honest inquiry is
7 received by Trust leadership. Indeed, victims are left with very little information regarding core
8 Trust activities to evaluate whether or not these actions were “reasonable” and pursued in “good
9 faith” as the Fire Victim Trust Agreement requires. Moreover, the Trustee seems to wrongly equate
10 the amount of appeals to the relative satisfaction of victims with the administration of the Trust by
stating:

11 *“There is no contested matter involving the Trust before the Court to introduce formal rules*
12 *of discovery, and it is inappropriate to employ tools that are designed to elicit information*
13 *from a debtor that has availed itself of the benefits of Chapter 11 such as Federal Rule of*
Bankruptcy Procedure 2004”³

14 **However, the Court is very aware that Bankruptcy Rule 2004 does not require a dispute**
15 **and indeed should be leveraged to avoid litigation.** Considering that the TCC and Fire Claimant
16 Professionals negotiated to ensure victims did not get judicial review, it is not surprising that there are
17 few contested matters before the court despite the extreme dissatisfaction and outright anger among
18 many victims. It could reasonably be argued that the Trust exposes itself to claims of fraud if it does
19 not fully disclose through the Bankruptcy Rule 2004 discovery process. Among other objectives, it is
20 my hope that if through discovery the Trustee is able to demonstrate that the Trust actions are
21 “reasonable” and in “good faith” that this would largely mitigate exposure of the Trust to protracted
22 litigation that might arise based on allegations of fraud or gross misconduct that could further delay
just settlements for victims.

23 The Trustee also mischaracterized my motion and statements within the prehearing as “Mr.
24 Abrams’ requests are unduly burdensome and potentially prejudicial to the interests of Fire Victims
25 as a whole ... As he described at the Preliminary Hearing, Mr. Abrams would like there to be a
26

27 ³ See *Objection of the Fire Victim Trustee to Motion of William B. Abrams Pursuant to Fed. R. Bankr. 2004 For Entry of*
28 *an Order Authorizing Discovery and Hearings Regarding the Administration of the Fire Victim Trust* [Dkt. 12527], pg. 2
(lines 19-22).

1 "change in course" for the Fire Victim Trust."⁴ However, as I stated within the prehearing "I
2 wouldn't say that what I put forward is broad or narrow. I've just put forward a process that has been
3 used by the court, and by the trust in the past, to make sure it was manageable and I am not putting
4 bounds on this. This is not for Will Abrams, this is for victims." Later during the prehearing, I also
5 made it very clear that "It's important to ask: are these actions reasonable and **IF they're not**, the
6 trust should change course." I don't think anyone could take a contrary position. If through
7 discovery Trustee and Trustee directed "acts" and "conduct" are reasonable than of course they
8 should be pursued and conversely if they are demonstrably not reasonable it would be absolutely
9 appropriate to change course.

10 Simultaneously, the Trustee seems to indicate that their primary objection to the discovery
11 process is a timing issue by stating that "*The balance of Mr. Abrams's requests is burdensome and*
12 *prejudicial to the Fire Victim Trust and other Fire Victims in that, inter alia, these requests seek*
13 *public disclosure of strategy, plans, advice and decisions regarding litigation, lobbying and*
14 *legislative efforts under consideration. The Trustee cannot allow potential prejudice to stock*
15 *monetization efforts and prosecution of assigned causes of action that can be caused by such*
16 *disclosures.*"⁵ If these limitations exist for particular documents that might be requested by a victim
17 and/or that answers to certain interrogatories might interfere with this undisclosed strategy, then these
18 should be made available by the Trust at such time that the public disclosure of these documents will
19 not interfere with such actions. As an example, if the Trustee objects to discovery related to a
20 contract to advance particular litigation then surely that contract should be made available to the
21 beneficiaries of the Trust at such a point that this litigation concludes. Certainly, there are legitimate
22 grounds for certain documents and information not to be released. However, these objections should
23 not have an indefinite time horizon unless there are proprietary concerns that the Trustee has not
24 mentioned within his objections. Otherwise, objections to the discovery of particular documents
25 and/or for a particular piece of information should only be sustained up and until the release of that

26 ⁴ See *Objection of the Fire Victim Trustee to Motion of William B. Abrams Pursuant to Fed. R. Bankr. 2004 For Entry of*
27 *an Order Authorizing Discovery and Hearings Regarding the Administration of the Fire Victim Trust* [Dkt. 12527], pg. 3
(lines 7-9).

28 ⁵ See *Objection of the Fire Victim Trustee to Motion of William B. Abrams Pursuant to Fed. R. Bankr. 2004 For Entry of*
an Order Authorizing Discovery and Hearings Regarding the Administration of the Fire Victim Trust [Dkt. 12527], pg. 5
(lines 19-23).

1 information would no longer interfere with reasonable and good-faith actions of the Trustee and his
2 designees.

3 4 5 6 **III. Reply to “The Trust’s Continuous Public Facing Disclosure”**

7 Within the Trustee Objection, the Trustee references a number of well-developed
8 communication vehicles that the Trust relies upon to communicate with Fire Victims.⁶ This
9 extensive list of communication vehicles within the filed objection only serves to demonstrate that
10 managing the discovery process would not be burdensome or costly but just fold into their existing
11 communications structure. The Motion for Trust Discovery outlines the manner and relative ease
12 with which these vehicles could be leveraged to make relevant documents and information available
13 to the beneficiaries of the Trust.

14 Moreover, the Court should not be swayed by the argument that somehow the number of
15 communications and/or the number of communication vehicles deployed by the Trust equates to
16 transparency. As I have outlined prior, these communications have largely been focused on
17 defending Trust actions rather than on informing victims regarding even basic information that would
18 allow them to budget and otherwise plan for their personal fire recovery efforts. As an example, the
19 Court spent a lot of time during the disclosure statement hearings pressing the Debtor and the Tort
20 Claimant Committee (“TCC”) Counsel to provide a total dollar estimate of the valid claims to
21 ascertain whether or not the \$13.5B would be sufficient for victims to be “made whole.” Neither the
22 Debtor nor the TCC seemed interested in releasing information at that time although both parties had
23 created their own estimates of these claims. Now, here we are two years after plan confirmation and
24 the Trustee still has not provided that critical number even though the 400 plus staff have certainly
25 had sufficient time to produce a reasonable estimate so victims will have a better understanding about
26 whether or not they can reasonably expect a payout close to the determination amount. If there is any
27 doubt that the expectation was “made whole” plus other rights and remedies to be afforded to victims

28 ⁶ See *Objection of the Fire Victim Trustee to Motion of William B. Abrams Pursuant to Fed. R. Bankr. 2004 For Entry of an Order Authorizing Discovery and Hearings Regarding the Administration of the Fire Victim Trust* [Dkt. 12527], pg. 11-12.

1 with the confirmed plan, I would point the Court to the words of Robert Julian, TCC Counsel as
2 stated during the plan confirmation hearing:

3 *“And Your Honor asked us the rhetorical question in one of those hearings, isn't that stock the*
4 *indubitable equivalent of cash? The indubitable equivalent, Your Honor, is going to come up*
5 *in this oral argument today several times because although I know you are borrowing a*
6 *bankruptcy term of art from cash collateral disputes; I understood your point...”*

7 *“I will tell you that one of the issues raised is that some of the parties -- you know, they think*
8 *they're smarter than Mr. Orsini and me -- they want an estimation order that just says 13.5 on*
9 *it. And Mr. Richardson and I and Mr. Orsini, we correctly note that the true value here is **not***
10 ***just 13.5 of cash and stock but it's cash and stock, it's the assigned claims, it's the assigned***
11 ***rights, it the assigned policies, a whole bundle of rights which have great value.”**⁷ (emphasis*
12 *added)*

13 So, it is clear that the designed benefits of the Trust were “*not just*” the \$13.5B value but “*a*
14 *whole bundle of rights*” and “*assigned policies.*” Victims should certainly be afforded discovery
15 remedies to understand if these rights and protections were reasonably administered in good faith by
16 the Trustee and Trust representatives acting on behalf of the Trustee. However, the Trust to date still
17 withholds information that would allow any victim the opportunity to understand if these rights and
18 policies were reasonably delivered and/or if these policies have been designed first and foremost to
19 hide the actions of certain parties benefiting from the acts and conduct of the Trustee. I want to
20 remind the Court that Mr. Molton on behalf of the Trustee negotiated what might be called extreme
21 protections which were questioned at the time by the Court. Here are some statements made to the
22 Court by Mr. Molton regarding their efforts to maximize the protections for the Trustee, The Claims
23 Administrator and others that act on behalf of the Trust:

24 *“Mr. MOLTON: “In there, they have a release of the trust, but they don't have a release of the*
25 *trustee, the claims administrator, and the claims administrator and the trustee's advisors, all*
26 *of which, Judge, in a case like this is an unremarkable ask from the government. So it's a*
27 *different sort of release, and it's one that we're asking for from every other fire victim*
28 *claimant. And I do want to note that – THE COURT: Is that true? Now let me clarify that.*
29 *So, an individual who has a 5,000 dollar minor damage claim, who is going to get 5,000 or*
30 *4,000 or whatever, will sign a similar release in favor of Justice Trotter and Ms. Yanni – MR.*
31 *MOLTON: Yes. THE COURT: -- and everybody else – MR. MOLTON: Yes, it's – THE*
32 *COURT: -- on that – MR. MOLTON: Yes, Judge. There are two different sort of releases*
33 *appended to the trust agreement. I believe, one is for entities, and one is for individuals, but*

⁷ See US Bankruptcy Confirmation Hearing Transcript, Case #19-30088 (DM), June 5, 2020, pg. 135 (lines 14-22), pg. 174 (lines 18-25)

1 *they contain the same release of the indemnified trust parties which includes his Honor*
2 *Justice Trotter, as well as Kathy Yanni, and their advisors.”*⁸

3 Given that these well negotiated and very broad protections and exculpations were ardently
4 argued and secured within sections 5.4 and 5.7 of the Trust Agreement for the “Trust Indemnified
5 Parties” including the “*Trustee, Delaware Trustee, TOC, Claims Administrator, Special Master or*
6 *their respective members, officers, employees, agents, consultants, lawyers, advisors, or*
7 *professionals*” the Trustee should not be afraid and should welcome a complete discovery process in
8 accordance with Bankruptcy Rule 2004.⁹ The Court should note that these same parties that fought
9 tirelessly to secure these protections for “Trust Indemnified Parties” advocated against even basic
10 protections for victims like judicial review that would have provided victims with appropriate
11 recourse for unjust settlement determinations and/or provided them with a judicial pathway in the
12 event that unjust management and administration of their Trust and associated settlements could be
13 demonstrated. **Indeed, it seems that the majority of judicial remedies were stripped away from**
14 **victims by those parties and official committees representing their interests except for those**
15 **associated with Bankruptcy Rule 2004.**

16 **IV. Reply to the Trustee’s Objection that “The Fire Victim Trust Has Complied with the**
17 **Disclosure Obligations Under the Trust Agreement and Mr. Abrams has no Additional**
18 **Rights to Information.”**

19 This argument that somehow the appointment of the Trust Oversight Committee negates or
20 disqualifies victims from exercising their discovery rights lacks any merit. Similarly, the Trustee
21 objection claiming that the financial audit and “clean opinion” should somehow prevent victims from
22 seeking discovery is baseless given that victims have zero insight into this process and that this audit
23 seems to have only included a review of a discrete set of financial documents. Moreover, the fact
24 that the Trustee objections grasp at Delaware Trust Law provisions to circumvent Federal Bankruptcy
25 Law is disappointing particularly given the ironclad exculpations and protections they successfully
26 negotiated for everyone imaginable associated with Trust management, administration and oversight
27 while leaving victims like me exposed. This expressed effort of the Trustee to afford victims with the
28 least amount of rights and remedies while they hide behind Delaware Trust Law should be identified

⁸ See US Bankruptcy Confirmation Hearing Transcript, Case #19-30088 (DM), June 5, 2020, pg. 135 (lines 14-22), pg. 30 (lines 1-17)

⁹ See Fire Victim Trust Agreement, Section 5.4 and Section 5.7 (pg. 15-27)

1 by the Court as a desperate effort to avoid scrutiny. Additionally, the Court should keep in mind that
2 many of the individuals that serve on the TOC are the same parties that negotiated these protections
3 and devised the structure of the Trust that seems to require extraordinary actions beyond those
4 contemplated by the Court and articulated within the Trust Agreement to monetize the victim stock
5 and fairly compensate victims.

6 **V. Reply to the Trustee's Objection that "The Trust's Voluntary Additional Disclosures**
7 **Adequately Respond to the Requests."**

8 These "additional disclosures" don't seem to be intended by the Trustee to address the issues
9 raised within the Motion for Trust Discovery. However, this information does lead to more questions
10 and not less that are deserving of discovery pursuant to Bankruptcy Rule 2004. The Trustee
11 describes that "*an open and public... request for proposal... and interview process with respect to*
12 *those litigation efforts and selected the following firms: to represent it in such actions: Cotchett, Pitre*
13 *& McCarthy LLP; Walkup, Melodia, Kelly & Schoenberger; Dreyer Babich Buccola Wood Campora*
14 *LLP; Corey Luzaich de Ghetaldi & Riddle LLP; Bottini & Bottini Inc.; Andrews & Thornton LLP;*
15 *Greenberg Gross LLP; and Gilbert LLP"* (emphasis added).¹⁰ However, the majority of these
16 selected firms also happen to serve as members of the TOC and many are the same mass tort and
17 personal injury attorneys that were among the official Fire Claimant Professionals that devised the
18 \$13.5B settlement agreement for victims. This at the very least provides "good cause" to afford
19 victims discovery rights to ascertain if indeed this was an "open and public" process that was
20 "reasonable" and pursued in "good faith" in accordance with the Trust Agreement. Simply stated, the
21 coincidental nature of these contract awards to the very attorneys that have the most to gain from how
22 this litigation is pursued or not pursued is at the very least deserving of discovery. The fact that
23 certain contingency fee contracts awarded to TOC members to pursue derivative claims were "not
24 intended to make up for any shortfalls in the compensation fund"¹¹ but have nevertheless been
25

26 ¹⁰ See *Objection of the Fire Victim Trustee to Motion of William B. Abrams Pursuant to Fed. R. Bankr. 2004 For Entry of*
27 *an Order Authorizing Discovery and Hearings Regarding the Administration of the Fire Victim Trust* [Dkt. 12527], pg.
28 24 (lines 21-28).

¹¹ See Courthouse News, February 24, 2021 <https://www.courthousenews.com/fire-victim-trust-sues-former-pgc-executives-and-directors/>

1 prioritized by the Trustee for PR efforts and associated expenses through Zumado Public Relations
2 should be an additional line of inquiry worthy of further discovery.¹²

3 It is also relevant for the Court's consideration that Mr. Campora, President, Mr. Pitre,
4 Tresurer and Mr. Kelly, Secretary just so happen to be the Officers of the Up From the Ashes
5 Coalition ("UFTA") who employed Mr. Patrick McCallum to lobby for the AB1054 legislation and
6 then proceeded to successfully negotiate their appointment to the TOC. The Court and victims
7 should remember that it was their lobbying for this legislation that prevented victims associated with
8 this case from accessing the California Wildfire Fund which was made available to all other wildfire
9 survivors and forced victims to vote before the AB1054 June 30th deadline. This same lobbyist was
10 then employed by the Trustee through the advice of the TOC to go back to the same legislators in an
11 attempt to undo the very provisions they fought to include within the original legislation. This
12 lobbyist was certainly a counterintuitive choice regardless of the subsequent criminal allegations that
13 pushed the Trustee to sever ties.

14 Compounding these issues, the replacement lobbyist that was hired by the Trustee is Darby
15 Kernan who just so happens to be the other primary lobbyist that partnered with Mr. McCallum
16 around this same AB1054 legislative effort. I know this because I had correspondence with Mr.
17 McCallum and Ms. Kernan leading up the passage of AB1054 advising them that the provisions they
18 were fighting to include within the bill were detrimental to the interests of the victims whom they
19 claimed to represent. Mr. McCallum's prior work as an education sector lobbyist and Ms. Kernan's
20 prior work representing the California State Association of Counties (CSAC) that lists their "Premier
21 Member" and "Platinum Sponsor" as PG&E made them the best candidates to represent PG&E
22 victim's at the California State Capitol? There are over 1,800 registered California State lobbyists.
23 The Trustee expects the Court and victims to believe that these two lobbyists were chosen through an
24 "open, public and competitive bid process?" Why were these lobbyists selected after the Trustee was
25 made aware of the fact that the International Brotherhood of Electrical Works (IBEW) filed a
26 complaint against UFTA stating that they are *"a front organization created to conceal the identities
27 of law firms who do not want the public to know they are paying lobbyists to persuade the
28 government to preserve billions of dollars in legal fees... the public has a right to determine if UFTA*

¹² See Zumado Press Release within Business Wire, February 24, 2021,
<https://www.businesswire.com/news/home/20210224005907/en/PGE-Fire-Victim-Trust-Sues-PGE-Executives-and-Officers-for-Causing-Devastating-Northern-California-Wildfires>

1 *is nothing more than a means for a group of trial lawyers to profit off the tragic fires, one part of a*
2 *public misinformation campaign conducted while hiding their identities behind UFTA... Trial lawyers*
3 *are paying a seasoned lobbyist to wage an influence campaign on their behalf and using UFTA as a*
4 *front company to conceal their involvement while their lobbyist publicly misrepresents the nature of*
5 *that front company as an association of fire victims.”¹³ I want to make it clear that I am not*
6 **reiterating these facts to request further reconsideration of my Motion to Reconstitute the Fire**
7 **Victim Trust Oversight Committee. However, the fact that I made these issues and financial**
8 **ties known to the Trustee and he still proceeded to make these hiring decisions certainly should**
9 **provide “good cause” to ask questions and request documents related to these decisions.**

10 SUMMARY AND CONCLUSION

11
12 It will be important context for the Court to consider that over a year ago a bipartisan group of
13 California lawmakers on behalf of their victim constituents sent a letter to the California State
14 Attorney General requesting a probe into the Fire Victim Trust.¹⁴ Therefore, this notion that the
15 Trustee puts forward within his objection that victims are “comfortable” with the claims
16 administration and that somehow my motion is not representative of larger and growing concerns
17 should be flatly dismissed. This letter sent by these concerned lawmakers was sent over a year ago
18 and the issues they raise are still not remedied. Within this letter they rightly state *“Fire survivors*
19 *have already been victimized once by a negligent utility and the trustees of this massive settlement*
20 *are ushering in a further injustice... efforts must be focused on holding the trust accountable.”*

21 These issues described within this letter have only grown and been compounded over the past
22 year through the conduct and acts directed by the Trustee. Now, I would like to directly address the
23 Court’s statement *“that’s your theory, and I don’t know if you’re wrong or right. But again, what is*
24 *the court supposed to do...”* I would like to address this valid and substantive question in two parts.
25 First, I would like to clarify for the Court’s consideration that this motion for discovery is not based
26 upon my “theory” but based upon facts that clearly provide good cause to grant broad discovery

27 ¹³ See William B. Abrams Motion to Enforce Disclosure Requirements or Reconstitute the Fire Victim Trust Oversight
28 Committee Given New Evidence of Self Dealing and Conflicts of Interest Pursuant to U.S.C. §§ 327(a) AND
BANKRUPTCY RULE 2014 [Dkt. 11005] (Exhibit E)

¹⁴ See “RE: Special Fire Victim Trust” Letter to Attorney General Rob Bonta, May 21, 2021,
<https://www.documentcloud.org/documents/20791380-special-victims-trust-ag-letter-legislature-5212021#document/p1>

1 rights pursuant to Bankruptcy Rule 2004. I am not outlining theories for the Court to consider but
2 merely demonstrating that certain facts clearly provide good cause to support this discovery process.
3 It is a fact and not a theory that certain mass tort and personal injury attorneys including those
4 represented on the TOC have had an inordinate amount of influence over the design and execution of
5 the Fire Victim Trust. It is a fact and not a theory that these same mass tort attorneys were awarded
6 contracts and have the potential to reap huge financial benefits from both the fire victim claim
7 determinations AND the settlements that might be produced from FVT derivative claims. It is a fact
8 that the lobbyist hired by the FVT was previously hired by influential TOC members to negotiate
9 legislation that prevented victims from accessing the California Wildfire Fund to makeup the Trust
10 shortfall. It is a fact that the Trustee has made statements in direct contradiction to the stated goals of
11 the confirmed plan including the apparent belief that it was never the intent to make victims whole. It
12 is a fact that the Trustee fought for broad protections and exculpations for himself, the TOC and other
13 managers and directors of the Fire Victim Trust and now seeks to further strip victims of their rights
14 and remedies pursuant to Bankruptcy Rule 2004 despite the fact that fire victims were prevented by
15 these same attorneys from seeking judicial review. **I am NOT arguing that these facts standing on
16 their own constitute wrongdoing or somehow demonstrate bad faith. However, it is clear that
17 these fact patterns and the manner in which the Trustee provided notice of his resignation
18 provide more than sufficient "good cause" to seek discovery to ascertain the degree to which
19 the Trustee and others employed by the Fire Victim Trust have engaged in reasonable
20 "conduct" and "good faith" acts in keeping with both the Fire Victim Trust Agreement and
21 applicable law.** The Trustee's efforts pre and post confirmation to avoid these types of disclosures
22 should not dissuade the Court. The Trustee's untenable position that "all parties" except victims
23 deserve these rights and remedies should not stand. Despite the clear intent of Bankruptcy Rule 2004
24 to provide broad discovery rights including "fishing expeditions" and in response to the prehearing
25 suggestions of the Court, I narrowed my discovery request to the following three categories described
26 in more detail within the preliminary statement section of these papers:

- 27 1) Trust Oversight and Litigation Activities
- 28 2) Lobbyist Activities
- 3) Administrative and Litigation Expenses

1 Note that to seek a good faith compromise with the Trustee, I dropped from this list my request for
2 discovery regarding the Trustee's regulatory engagement that has not produced any recognizable
3 action or remedy beneficial to victims. This apparent boondoggle does deserve added scrutiny but I
4 will withdraw it from inclusion within this discovery request.

5 Now, I would like to respond to the "what is the court supposed to do?" question that was
6 asked of me within the June 7, 2022 prehearing. My response to this question is that the Court and
7 indeed victims like me should withhold judgement regarding the "acts and conduct" of the Trustee
8 and Trust representatives until such time as discovery sheds additional light on the fact patterns that I
9 have outlined above. I believe that the next steps for the Court will be clear if we let the facts be
10 properly disclosed "without fear or prejudice." It is my sincere hope that through proper discovery
11 victims will gain renewed confidence in the acts and conduct of Trustee and in so doing we will be
12 better able to collectively support ongoing Trust efforts and rally support for remedies to the \$13.5B
Trust shortfall.

13 However, if upon the conclusion of the discovery process pursuant to Bankruptcy Rule 2004,
14 the Court and victims find that certain Trust "acts and conduct" were not "reasonable" and not done
15 in "good faith" in accordance with the Trust Agreement, I am confident that the Court will order that
16 the Trustee and other Trust representatives devise and implement reasonable remedies to avoid
17 potential protracted litigation grounded in allegations of widespread fraud or other discovered
18 misconduct. As I stated in the prehearing, the Court should not prejudge the merits of a particular
19 question or piece of discovery to short-circuit or curtail a discovery process. The Court should not
20 presuppose that myself or other victims will ask for information that is out of bounds but allow the
21 discovery process pursuant to Bankruptcy Rule 2004 to proceed. Perhaps, Mr. Kelly stated the
22 importance of the Court's role during post-confirmation Trust oversight most clearly when during the
plan confirmation hearing two years ago he stated:

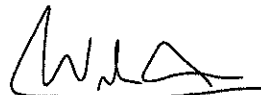
23 *"We should not confuse efforts with results. Putting a lot of time and effort into a plan to*
24 *protect the individual victims which cannot be executed will be a failure. Whether the plan*
25 *looks good on paper is irrelevant if in execution, it results in a failure to compensate the*
26 *heirs of those burned to death and the thousands of homeowners, renters, small business*
27 *owners, and community members who have been forced to accept fifty percent of their*
28 *gross compensation in stock. That stock value must be safeguarded by this Court and*
maximized if the plan is to succeed. Thomas Edison said, "Having a vision for what you
want is not enough. Vision without execution is a hallucination." The reorganization plan
that makes promises which cannot be kept or which are not kept and which is structured in a

1 way that invites failure in the execution is not a plan that should be confirmed. This Court
2 betrays the individual fire victims by approving and confirming a plan which permits the
3 debtor to carry out stock sales by its financial backers, institutional investors, and backstop
4 parties before the victims or which delays the victims' ability to liquidate their stock at
5 optimal value when the trust actually needs the money. **The moms and dads, brothers and
6 sisters, aunts and uncles who have lost loved ones as well as their homes, businesses, and
7 treasured possessions are entitled to have this Court do everything in its power to make the
8 goals stated by Mr. Karotkin a reality.**"¹⁵ (emphasis added)

9 Although this statement was made prior to plan confirmation, the sentiment is arguably
10 more important now than it was when Mr. Kelly rightly argued it before the Court. It is the execution
11 of the plan that is of paramount importance to ensure the rights and remedies afforded to victims are
12 protected. The Court must permit complete discovery pursuant to Bankruptcy Rule 2004 to ensure
13 the promises made during confirmation are not just a bad "*hallucination*" for victims. Was this plan
14 designed by certain parties to allow post-confirmation unjust and bad faith actions to advance the
15 short-term financial interests of certain parties? The Court has jurisdiction over the Fire Victim Trust
16 and I am confident that the Court will order the Trustee to administer prudent remedies if wrongdoing
17 should be exposed through the Court ordered discovery process. Collectively, we should do all we
18 can post-confirmation to ensure that the well-intentioned efforts of the Court to protect victim
19 interests through the confirmation of the plan are not undone by the very parties that meticulously
20 devised their own exculpations and procedural loopholes while undermining due process for victims.

21 Dated: July 6, 2022

22 Respectfully submitted,

23 

24 William B. Abrams

25 Pro Se Claimant

26
27
28 ¹⁵ See US Bankruptcy Confirmation Hearing Transcript, Case #19-30088 (DM), June 5, 2020, pg. 42-43